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PARTIAL-BIRTH ABORTION BAN ACT OF 2000

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Statement of HON. RON PAUL OF TEXAS

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Mr. Speaker, like many Americans, I am greatly concerned about abortion. Abortion on demand is no doubt the most serious social political problem of our age. The lack of respect for life that permits abortion has significantly contributed to our violent culture and our careless attitude toward liberty.

As an obstetrician-gynecologist, I can assure my colleagues that the partial-birth abortion procedure is the most egregious legally permitted act known to man. Decaying social and moral attitudes decades ago set the stage for the accommodated Roe vs. Wade ruling that nationalizes all laws dealing with abortion. The fallacious privacy argument the Supreme Court used must some day be exposed for the fraud that it is.

Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized

society. There is already strong evidence that we are indeed on the slippery slope toward euthanasia and human experimentation. Although the real problem lies within the hearts and minds of the people, the legal problems of protecting life stems from the ill-advised Roe v. Wade ruling, a ruling that constitutionally should never have occurred.

The best solution, of course, is not now available to us. That would be a Supreme Court that would refuse to deal with the issues of violence, recognizing that for all such acts the Constitution defers to the States. It is constitutionally permitted to limit Federal courts jurisdiction in particular issues. Congress should do precisely that with regard to abortion. It would be a big help in returning this issue to the States.

H.R. 3660, unfortunately, takes a different approach, and one that is constitutionally flawed. Although H.R. 3660 is poorly written, it does serve as a vehicle to condemn the 1973 Supreme Court usurpation of State law that has legalized the horrible partial-birth abortion procedure.

Never in the Founders' wildest dreams would they have believed that one day the interstate commerce clause, written to permit free trade among the States, would be used to curtail an act that was entirely under State jurisdiction. There is no interstate activity in an abortion. If there were, that activity would not be prohibited but, rather, protected by the original intent of the interstate commerce clause.

The abuse of the general welfare clause and the interstate commerce laws clause is precisely the reason our Federal Government no longer conforms to the constitutional dictates but, instead, is out of control in its growth and scope. H.R. 3660 thus endorses the entire process which has so often been condemned by limited government advocates when used by the authoritarians as they constructed the welfare State.

We should be more serious and cautious when writing Federal law, even when seeking praise-worthy goals. H.R. 3660 could have been written more narrowly, within constitutional constraints, while emphasizing State responsibility, and still serve as an instrument for condemning the wicked partial-birth abortion procedure.